IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5505 OF 2005

Porus Yezdi Mistry ...Applicant

Versus

Namrata Bharatkumar Dingra & Anr ...Respondents

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Mr. Shailesh Kantharia, Advocate for Applicant

Ms. Priyanka Vegod, Adv. for Respondent No.1.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 1ST SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant i.e. original accused, learned advocate for the respondent No.1 i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has preferred this application for quashing the proceedings relating to Sessions Case No. 687 of 2004 pending before the learned Sessions Judge, Mumbai. The said proceedings are arising out of C.R. No.136 of 2003 of Cuffe parade police Station. On the last occasion, the complainant had appeared in person before the Court and she had stated that she does not wish to pursue her

complaint. She had further stated that the complaint had been filed due to some misunderstanding between the parties. The complainant had also filed an affidavit to the said effect. However, the learned A.P.P. sought time to take instructions.

3. Today, the learned A.P.P. on instructions states that indeed the complainant does not wish to pursue her complaint. The affidavit filed by the complainant is genuine and voluntary and in such case the prosecution has no objection to the said case being quashed.

4. In view of the above facts, the Sessions Case No.687/2004 relating to C.R. No.136 of 2003 of Cuffe Parade police Station, Mumbai, is quashed.

5. Application is disposed of.

6. Office to issue an authenticated copy of this order to the parties.

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